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WOOD *v.* LESTER et al.

Sept. 17, 1919.

[101 S. E. 52.]

1. Appeal and Error (§§ 901, 1009 (1)*)—Review; Burden of Showing Error.—The decree of the trial court as to the facts should not be reversed on appeal, unless plainly wrong, for it is entitled to great weight, and the burden is on the appellant to satisfy the appellate tribunal of error

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 609.]

2. Fraudulent Conveyances (§ 43 (2)*)—Husband and Wife (§ 129 (4)*)—Property of Wife; Estoppel to Claim Separate Property in Husband's Name.—Where a married woman allowed her husband to hold title to property in which she had the beneficial interest, and the husband before indorsing a note informed complainant that the property to which he held title belonged to his wife, held, that the wife is not estopped as against complainant to assert her interest, and so, the property having been conveyed to her, complainant cannot attack the conveyance as fraudulent.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 260.]

3. Fraudulent Conveyances (§ 312 (3)*)—Suit to Set Aside; Relief in General.—Under Code 1904, § 2460, one suing an indorser and the indorser's grantee to set aside as fraudulent a conveyance by the indorser to the grantee is not entitled, where the conveyance was not set aside as fraudulent, to a judgment against the indorser on account of his individual liability, even though the section allows suit to set aside the conveyance to be brought before judgment was obtained against the indorser; for the amended statute expressly makes decreeing a proved claim of the creditor against the debtor conditional upon the court's declaring void the transfer attacked.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 676.]

Appeal from Corporation Court of Bristol.

Bill by S. S. Wood against A. P. Lester and others. From decree for defendants, complainant appeals. Affirmed.

I. M. Clingenpeel, of Martinsville, and *White, Penn & Penn*, of Abingdon, for appellant.

Price & Pennington, of Bristol, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.